

Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 43-54 stand rejected under 35 U.S.C. §101.

Claims 43-54 stand rejected under 35 U.S.C. §112, second paragraph.

Claims 28-30, 33-35 and 37 stand rejected under 35 U.S.C. §102(b) in view of Job Completion Based Inventory Systems: Optimal Policies for Repair Kits and Spare Machines (June 1985) by *Mamer et al.* ("*Mamer*").

Claims 31-32, 36, 38-40 and 42 stand rejected under 35 U.S.C. §103(a) in view of *Mamer* and Service Management Principles and Practices (1994) by *Patton et al.* ("*Patton*").

Claim 41 stands rejected under 35 U.S.C. §103(a) in view of *Mamer* and *Patton* and U.S. Patent No: 5,682,421 of *Glovitz et al.* ("*Glovitz*").

Claims 43-52 and 54 stand rejected under 35 U.S.C. §103(a) in view of *Mamer* and *Patton*.

Claim 53 stands rejected under 35 U.S.C. §103(a) in view of *Mamer* and *Patton* and *Glovitz*.

Claim 47 has been cancelled in this response.

The examiner set forth a requirement for information on page 2, line 20 through page 3, line 2 of the Office Action of 8-18-06 (Information Item 1). The following is applicant's response for Information Item 1. Applicant is unaware of any products or services that incorporate the claimed subject matter of predicting parts for onsite repair of a product, service inventory planning, service planning or service parts logistics/planning/management

including information that is related to XelusExtend, XelusPlan or similar products/services.

The examiner set forth a requirement for information on page 3, lines 4-8 of the Office Action of 8-18-06 (Information Item 2). The following is applicant's response for Information Item 2. Applicant is unaware of any publications authored or co-authored by applicant which describe the disclosed subject matter of predicting parts for onsite repair of a product, service inventory planning, service planning or service parts logistics/planning/management.

The examiner set forth a requirement for information on page 3, lines 10-16 of the Office Action of 8-18-06 (Information Item 3). The following is applicant's response for Information Item 3. Applicant is unaware of any publications relied upon to develop the disclosed subject matter that describes applicant's invention including predicting parts for onsite repair of a product, service inventory planning, service planning or service parts logistics/planning/management. Applicant has relied on applicant's knowledge of decision theory to develop the disclosed subject matter that describes applicant's invention including predicting parts for onsite repair of a product, service inventory planning, service planning or service parts logistics/planning/management.

The examiner set forth a requirement for information on page 3, line 18 through page 4, line 2 of the Office Action of 8-18-06 (Information Item 4). The following is applicant's response for Information Item 4. Applicant is unaware of any search of prior art that was performed.

The examiner set forth a requirement for information on page 4, lines 4-7 of the Office Action of 8-18-06 (Information Item 5). The following is applicant's response for Information Item 5. Applicant is unaware of any publication that any of the applicants relied upon to draft the claimed subject matter.

The examiner has rejected claims 43-54 under 35 U.S.C. §101 and has stated that the invention claimed in claims 43-54 does not produce a useful, concrete, and tangible result and has suggested amendments to claim 43 to recite actions positively and recite computer hardware. In response, applicant has amended claim 43 in accordance with the examiner's suggestions. Applicant submits that amended claim 43, and claims 44-54 which depend from amended claim 43, are statutory because amended claim 43 is an apparatus that includes a computing device that determines a cost of mis-predicting parts for an onsite repair of a product that selects a subset of the parts to be sent to the onsite repair in response to the costs. It is submitted that an apparatus that selects parts to be sent to an onsite repair is a useful, concrete, and tangible result and is statutory under 35 U.S.C. §101.

The examiner has rejected claims 43-54 under 35 U.S.C. §112, second paragraph, as being indefinite for using the word "system." In response, applicant has amended claims 43-54 to recite apparatus claims which is well settled as proper claim language. The examiner has also stated that a term in claims 49-52 lacks a proper antecedent basis. In response, applicant has amended claims 49-52 to provide a proper antecedent basis.

The examiner has objected to the phrases in claims 43, 53, and 54 that include the word "enable" and has suggested alternative language. In response, applicant has amended claims 43, 53, and 54 in accordance with the examiner's suggestions.

Applicant submits that amended claim 28 is not anticipated by *Mamer* because *Mamer* does not disclose determining a cost of mis-predicting each of a set of parts that may be replaced during an onsite repair of a product in response to a repair history as claimed in amended claim 28. Instead, *Mamer* teaches estimating a relative frequency at which each of a set of job types occur in response to a repair history. (*Mamer*, page 706, lines 10-22). For example, *Mamer* teaches that each job type j is defined by the fixed set of items that are required to complete it (*Mamer*, page 706, lines 10-11) and that a job completion rate is a function of the relative frequencies F_j at which job types j occur (*Mamer*, page 706, equation 2.5) and that "The frequencies F_j can be estimated directly from historical repair job data (*Mamer*, page 706, lines 21-22, emphasis added). In contrast, amended claim 28 includes the limitation of determining a cost of mis-predicting each of a set of parts that may be replaced during an onsite repair of a product. It is submitted that estimating the relative frequencies at which particular sets of parts are needed to complete jobs as taught by *Mamer* does not anticipate determining costs as claimed in amended claim 28.

Given that claims 29-42 depend from amended claim 28, it is submitted that that claims 29-42 are not anticipated

by *Mamer*.

Applicant also submits that claims 31-32, 36, 38-40 and 42 are not obvious in view of *Mamer* and *Patton* because *Mamer* and *Patton* do not disclose or suggest determining a cost of mis-predicting each of a set of parts that may be replaced during an onsite repair of a product in response to a repair history as claimed in amended claim 28 from which claims 31-32, 36, 38-40 and 42 depend. Applicant has shown that *Mamer* does not disclose or suggest the limitations of amended claim 28. *Patton* teaches that humans should forecast parts needed for an inventory in response to historical data (*Patton*, page 164, lines 16-17) rather than determining a cost of mis-predicting each of a set of parts in response to a repair history as claimed in amended claim 28. It is submitted that *Patton* does not teach or suggest that humans should forecast parts for inventory by determining a cost of mis-forecasting each part.

Applicant further submits that claim 41 is not obvious in view of *Mamer* and *Patton* and *Glovitz* because *Mamer* and *Patton* and *Glovitz* do not disclose or suggest determining a cost of mis-predicting each of a set of parts that may be replaced during an onsite repair of a product in response to a repair history as claimed in amended claim 28 from which claim 41 depends. Applicant has shown that *Mamer* and *Patton* do not disclose or suggest the limitations of amended claim 28. *Glovitz* teaches managing an inventory in response to repair records (*Glovitz*, col. 1, lines 53-61) but does not disclose or suggest determining a cost of mis-predicting each of a set

of parts that may be replaced during an onsite repair of a product in response to a repair history as claimed in amended claim 28.

It is also submitted that amended claim 43 is not obvious in view of *Mamer* and *Patton* because *Mamer* and *Patton* do not disclose or suggest a computing device that determines a cost of mis-predicting each of a set of parts that may be replaced during an onsite repair of a product in response to a repair history as claimed in amended claim 43. Applicant has shown that *Mamer* and *Patton* do not disclose or suggest determining a cost of mis-predicting each of a set of parts that may be replaced during an onsite repair of a product in response to a repair history as claimed in amended claim 43.

Given that claims 44-54 depend from amended claim 43, it is submitted that claims 44-54 are not obvious in view of *Mamer* and *Patton*.

It is further submitted that claim 53 is not obvious in view of *Mamer* and *Patton* and *Glovitz* because claim 53 depends from amended claim 43 and because *Mamer* and *Patton* and *Glovitz* do not disclose or suggest determining a cost of mis-predicting each of a set of parts that may be replaced during an onsite repair of a product in response to a repair history as claimed in amended claim 43 as shown above.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable objections and rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 08-2025 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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